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estimates are valid. We further note that the calculated interference would occur principally at the edge of WUAB-TV's service area and may be mitigated or reduced by factors such as cable carriage and improved receiving antennas. Notwithstanding these considerations, we have long recognized that providing all broadcasters with a new channel to implement DTV will result in some stations receiving new interference during the transition period. One of the principal efforts in developing the DTV Table has been to minimize the likelihood of such new interference. Cannell's request that additional measures be taken to ensure against interference to NTSC service could only be satisfied by taking measures that we believe would significantly reduce the provision of new DTV service. We do not find that such measures are warranted or desirable. We believe that the existing rules provide sufficient protection to existing NTSC operations and that no further restrictions are needed.

470. CBS, Inc. Petition and Supplemental Filing.<sup>153</sup> CBS indicates that the operation of its Chicago, Illinois station WBBM-TV on DTV channel 3 with only 2.5 kW ERP, as allotted, will experience co-channel interference from existing NTSC channel 3 assignments in Champaign, Illinois, in Kalamazoo, Michigan, and in Madison, Wisconsin. CBS is concerned that the Grade B contour of NTSC station on channel 4 in Milwaukee, Wisconsin, which is only 134 km (84 miles) from WBBM-TV, will overlap its station's DTV service contour. CBS believes that viewers in the overlap area may experience operational difficulties because both channels 3 and 4, the only available channel selections for tuners on most VCRs, will be in use for over-the-air broadcasting.

471. We have reviewed CBS's request and find that the channel 3 DTV allotment for WBBM-TV is consistent with our service replication policies. We note that MSTV's *ex parte* filing estimates that WBBM's channel 3 DTV allotment would provide over 98% service replication and would provide for an increase in population served. We find that CBS's concerns about operational difficulties for tuners and VCRs when both channel 3 and 4 are in use are unfounded. We find that the separation between these stations is sufficient to avoid any operational difficulties with set-top devices such as VCRs. Accordingly, CBS's request for a substitute DTV allotment for station WBBM-TV is denied.

472. With regard to its Denver station KCNC-TV, CBS states, in its supplemental filing, that the service area of this station encompasses North Table Mountain, an FCC-recognized "quiet zone" where new RF transmissions are restricted. CBS states that we did not take this quiet zone into account in computing the DTV service area and population figures for the Denver market that accompany the Table. It notes that the North Table Mountain quiet zone was established to protect research operations-related radio transmissions conducted at that site by the Department of Commerce and other government agencies. CBS submits that it is not clear to what extent this site is currently used, or is intended to be used in the future, for such research operations. It urges that we consult with the relevant governmental agencies to evaluate the

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<sup>153</sup> We address CBS's requests regarding its station WWJ-TV in section IV B above.

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continuing need for this quiet zone, taking into account its potential impact on DTV service. CBS states that if the quiet zone is maintained for North Table Mountain, it is possible that KCNC-TV's DTV coverage of key areas of its DMA will be substantially impaired. It submits that it lacks sufficient information to propose a solution.

473. We note that CBS is correct that the DTV service area and population figures for the Denver market that accompany the DTV Table do not take into account restrictions that may be necessary to protect the North Table Mountain quiet zone. However, we also note that our NTSC service estimates were not reduced to account for the existing protection provided for this area. We further believe that it may be possible for stations to take certain measures, such as blocking or "notching" the DTV antenna pattern, to protect Table Mountain without significantly affecting their audience coverage. In addition, as requested, we have initiated discussions with NTIA and the Department of Commerce regarding the protection of the Table Mountain quiet zone and whether the same level of protection is required for lower power DTV operations. Any changes in protection would be addressed in a future rule making. Until that time, DTV facilities will be required to comply with the protection limits set forth in Section 73.1030 of the rules.

474. Clear Channel Television Licensees, Inc. Petitions. Clear Channel Television Licensees, Inc. (CCTL), submitted three separate petitions for reconsideration.<sup>154</sup> CCTL did not submit any supplemental filings. In one petition, CCTL requests that we allot DTV channel 23 rather than channel 25 for the DTV operations of its station KSAS-TV, channel 24 in Wichita, Kansas. CCTL submits that channel 23 would allow KSAS-TV to continue using its existing antenna, while operation on channel 25 would require the construction of a new antenna, adding significantly to the cost of the station's DTV conversion. Washburn University of Topeka (Washburn), in response to CCTL's petition, states that it is concerned that DTV operation on channel 23 by CCTL's KSAS-TV might interfere with the co-channel operation of its own KTWU-TV, Topeka, Kansas.

475. We have reviewed CCTL's request regarding KSAS-TV. We find that the change it seeks would impact other broadcast operations. We find that reducing the cost of implementation of DTV for one station at the cost of more interference for another is not warranted. For these reasons, we deny CCTL's request that the allotment for KSAS-TV be changed to channel 23.

476. In another petition, CCTL requests that DTV channel 22 rather than channel 32 be allotted to its station, WAWS-TV, NTSC channel 30, in Jacksonville, Florida. It is concerned that DTV 32 channel allotment is second-adjacent to its NTSC channel and that the level of intermodulation interference is likely to be considerable.

477. We have reviewed CCTL's requests with regard to WAWS-TV. We find that the

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<sup>154</sup> CCTL's third petition is discussed in the out-of-core section above.

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requested changes would impact other broadcast operations. In addition, we find that CCTL's concerns about second-adjacent channel interference from DTV channel 32 to its NTSC channel are unsupported by the test data of the DTV system. We believe that intermodulation interference from second-adjacent operation is unlikely to occur, provided that reasonable engineering care is taken in the implementing the new DTV channel. We find that a change in the DTV allotments for this reason is unwarranted. Accordingly, we are denying CCTL's request that the allotment for WAWS-TV be changed to channel 22.

478. Cosmos Broadcasting Corporation Petition and Supplemental Filing. Cosmos Broadcasting Corporation (Cosmos) is the licensee of eight television stations located in the eastern United States. In its petition and supplemental filing, Cosmos requests modifications of the DTV allotments provided for several of its stations.<sup>155</sup> Cosmos states that it is prepared to modify further parameters such as power, antenna height, and directionality where necessary to reduce interference. As indicated above, we do not believe that these are appropriate matters for reconsideration. Our DTV Table is intended to provide each eligible broadcaster with a DTV allotment the replicates its existing service area. To the extent that Cosmos desires to make changes in the technical operation of its stations to operate on particular channels or in a specific manner, there are rule provisions to request consideration of such changes or other modifications of the allotments in DTV Table.

479. Cosmos further states that the merits of its requested substitutions extend beyond technical showings and submits that factors such as whether allotments are in the core spectrum or on lower-numbered channels and whether stations can minimize capital investment by sharing facilities should also be considered. We note that we have considered these factors in our DTV allotment decisions. We have attempted to provide broadcasters with an in-core channel wherever possible and have provided broadcasters flexibility to make transmitter site changes and negotiate local and regional solutions.

480. Cosmos also requests that we reserve its initial allotment until such time that its proposed modified allotment has been fully engineered and field tested. It additionally requests that, for each of its stations, regardless of whether the requested modification is granted, we allow maximization of its DTV allotments. It states that maximization would optimize spectrum use and ensure that the highest numbers of viewers have access to DTV programming. As indicated above, we do not find that reserving an additional second DTV channel for a broadcaster is warranted. We have awarded each eligible broadcaster a DTV allotment that we believe on balance is best for its operations. If a broadcaster requests an alternative channel and we approve that request, we do not believe reserving both of those channels until the broadcaster decides which channel it will use for its DTV operations is appropriate given our spectrum management responsibilities. Cosmos' specific requests with respect to its stations are considered below.

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<sup>155</sup> Cosmos's requests regarding its own stations KAIT-TV and KPLC-TV and regarding Dispatch's station WBNS-TV are addressed in section IV B above.

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481. In its petition, Cosmos states that its engineers have determined that 10% of the existing NTSC service of its WFIE-TV, NTSC channel 14 in Evansville, Indiana will be lost, far exceeding our estimate of 0.4%. Cosmos also argues that the DTV Table severely limits its ability to maximize and expand the coverage areas of its DTV and NTSC channels, as both channels are short-spaced to broadcasters in adjacent markets. In addition, Cosmos complains that WFIE's assignment of DTV channel 58 is outside the core spectrum. It states that these factors handicap its ability to compete. Cosmos, in its supplemental filing, makes two requests with respect to WFIE. First, it requests that we change the channel 14 DTV allotment of WTIU-TV, Bloomington, Indiana to provide a channel that will not interfere with WFIE-TV's NTSC service. Second, it requests that WFIE-TV's DTV allotment be changed from channel 58 to channel 46. It states that this change meets the required spacing distances to all licensed and authorized facilities. It notes that the only short spacing would be with respect to three vacant noncommercial NTSC allotments, which will be deleted.

482. As indicated above, we have attempted to provide all stations with a DTV allotment in the core spectrum of channels 2 to 51. We also attempted to make allotments that would provide for full service replication and ensure that no interference would be caused to other stations. Achieving all of these goals was not always possible, and our allotments are based on finding a solution that is best for all eligible broadcasters in a fair and equitable manner. With regard to Cosmos' specific concerns, we note that MSTV's *ex parte* filing confirms our estimate of 0.4% interference. MSTV also estimates that WFIE-TV will be able to replicate almost 95% of its existing service area. We further note that WFIE-TV's service area is not significantly smaller than a number of other stations in the Evansville market, and we do not find that its ability to compete in this market will be affected. We believe that the DTV allotment provided for Cosmos' WFIE-TV is consistent with our DTV service replication policies and goals. Our analysis indicates that the use of DTV channel 46 by WFIE-TV would impact and cause interference to other stations. Cosmos' request for a change in the DTV allotment of WFIE-TV is therefore denied. Finally, our analysis finds that WTIU-TV's channel 14 DTV operation will not cause unacceptable interference to WFIE-TV's NTSC service and therefore are denying Cosmos' request that we change WTIU-TV's DTV allotment.

483. In its petition, Cosmos requests that the DTV allotment for its station, WIS-TV in Columbia, South Carolina, be changed from DTV channel 41 to channel 11. In its supplemental filing, Cosmos states that this allotment would meet the separation requirements except with regard to three stations: co-channel WTOC-TV in Savannah, Georgia; co-channel WTVD-TV in Durham, North Carolina; and adjacent channel WRDW-TV in Augusta, Georgia. Cosmos states that the new interference to these stations resulting from its request would be minimal. It states that channel 11 would be short spaced to WTOC-TV by only 35 km and would be expected to create new interference affecting 2.4% of the population of WTOC-TV's service area. However, it submits that the affected population would not lose their network service, as they would remain within the Grade B contours of other stations with the same affiliation. Moreover, Cosmos states that cable penetration in the affected counties averages 78%. Cosmos next states

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that channel 11 would be short spaced only 7.8 km to WTVD-TV, and so populations in the Durham market served by WTVD-TV would only be slightly affected. It submits that only 2.6% of the population in WTVD-TV's service areas would be affected. Again, Cosmos notes that much of the affected area is located within the Grade B contours of other stations with the same network affiliation as WTVD and that cable service in the affected counties is 50%. Finally, Cosmos states that the short spacing to WRDW would be 18 km, with new interference expected to affect 5.1% of the station's population. It states that those who would be affected are in areas encompassed within the Grade B contour of WTLX-TV in Columbia, South Carolina, which has the same network affiliation as WTRW-TV, and that only 0.2% of WRDW-TV's actual viewing audience would be affected.

484. Lewis Broadcasting Corporation (Lewis), the licensee of WLTX-TV, channel 19 in Columbia, South Carolina, states that, while it does not object specifically to Cosmos' request that we change WIS-TV's DTV allotment to channel 11, it is concerned that the requested changes to the DTV Table proposed by Cosmos and many others could create a daisy chain effect that would affect other DTV allotments in the Columbia market and elsewhere. It recommends that modifications that are motivated by less serious technical matters, and in particular those creating additional short spacing problems, be discouraged, due to the likelihood that wholesale changes will result in significant problems for broadcasters who are satisfied with their assignments. Lewis states that many of the changes, including the one in Columbia, would result in short spacing to other DTV allotments.

485. WRDW Licensee Corp. and Raycom-U.S., Inc. (WRDW and Raycom), in a joint filing, also oppose Cosmos' request for changes in the DTV Table. They state that, although the Commission requires that parties requesting a change show that the modification will not cause new interference, Cosmos' request fails this test. They note that Cosmos concedes that its change would result in short-spacing to other stations, including WRDW's WRDW-TV in Augusta, Georgia and Raycom's WTOC-TV in Savannah, Georgia. They also state that Cosmos has represented that interference could be resolved through technical means such as adjusting power and antenna directionality but that the engineering statement accompanying its supplement clearly shows that there is new substantial interference to 5.1% of the population served by WRDW-TV and to 2.4% of the population served by WTOC-TV.

486. We have reviewed Cosmos' request regarding WIS-TV. Our analysis indicates that such a change would impact and create additional interference to other broadcast operations. We therefore deny Cosmos' request to allot DTV channel 11 to WIS-TV.

487. With regard to its WSFA-TV, NTSC channel 12 in Montgomery, Alabama, Cosmos states that it filed a tower registration in January, 1997 that changed the transmitter coordinates for this station. It states that we have used outdated data in many instances and suggests that we actively solicit broadcasters to collect up-to-date station information. At a minimum, it requests that, when petitioners inform us of outdated data, we adjust the DTV Table accordingly. Cosmos also requests that WSFA-TV be allotted DTV channel 11 rather than channel 57. In its

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supplemental filing, it states that this change would meet the requirements of the DTV allotment rules except with regard to three co-channel stations (WFSU-TV in Tallahassee, Florida; WTOK-TV in Meridian, Mississippi; and WXIA-TV in Atlanta, Georgia) and that the new interference to these stations would be minimal.

488. Pacific and Southern Company, Inc. (P&S) opposes Cosmos' request that WSFA-TV be permitted to operate on DTV channel 11. P&S states that Cosmos' petition ignores the bright-line spacing and non-interference rules to other broadcast stations, such as P&S's WXIA-TV, NTSC channel 11 in Atlanta, Georgia. P&S notes that although Cosmos' concern about its out-of-core channel is not unreasonable, the Commission has expressed its intention to take steps to deal with such issues in the future, and, in any event, the resolution of core problems should not disregard spacing and non-interference rules.

489. We have reviewed Cosmos' request with regard to WSFA-TV. Our analysis indicates that such a change would impact and create additional interference to other broadcast operations. As indicated above, we are generally not changing allotments merely because a station received an allotment of an out-of-core channel. While we attempted to provide all stations with an in-core channel, this was not always possible. Therefore, we are denying Cosmos' request that the allotment for its WSFA-TV be changed to channel 11. With regard to Cosmos' concern that we are using up-to-date station information, we have made considerable efforts to ensure that our television engineering data base is current and correct. Further, parties have had several opportunities to review this information during the comment and reconsideration phases of this proceeding. We do not find that at this stage in this proceeding it is necessary to actively solicit and collect additional information.

490. In its petition, Cosmos requests that the DTV allotment channel for WLOX-TV in Biloxi, Mississippi be changed from channel 36 to channel 16. However, in its supplemental filing, Cosmos seeks to maximize the ERP and increase the antenna HAAT of the DTV channel 36 operation of WLOX-TV. It states that WLOX-TV was provided with 742.1 kW ERP and an antenna HAAT of 408 meters and requests that the power be increased to 1 MW ERP and the antenna HAAT be increased to 561 m. Cosmos submits that this facilities increase would decrease NTSC interference from WHLT-TV, the only station short spaced to WLOX-TV. WHLT-TV operates on channel 22, the 14<sup>th</sup> adjacent channel to channel 36. Cosmos states that the separation between these stations is 76.9 km, while the standard is less than 24.1 km and greater than 96.1 km. It estimates that the interference to WHLT-TV would decrease by approximately 50 sq. km, apparently due to the effect of the vertical plane radiation of the WLOX-TV DTV facility. Cosmos notes that, as the WLOX-TV radiation center would be increased substantially, more locations close to the WLOX-TV tower, which are more susceptible to interference to WHLT-TV, come within the "minor lobes" of the WLOX-TV vertical pattern and consequently have a lower predicted field strength and desired-to-undesired ratio from WLOX-TV.

491. As noted above, we are not granting requests to maximize facilities as a matter of

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reconsideration. We have adopted specific provisions in our rules to allow licensees to request an increase in their DTV facilities and believe that considering maximization requests at this time would unfairly disadvantage parties that have expected such maximization requests to be dealt with under the rules. Accordingly, we are denying Cosmos' request to increase the power and antenna height of its station WLOX-TV.

492. Cosmos requests that the transmitter reference coordinates for its WAVE-TV, NTSC channel 3 and DTV channel 47 in Louisville, Kentucky, be relocated from its existing site at 38° 27' 23" N and 85° 25' 28" W to 38° 21' 00" N and 85° 50' 57" W, a location closer to Louisville. Cosmos states that it is concerned that new interference during the transition may force the station to move its transmitter closer to its city of license. Cosmos states that its requested relocation would comply with the separation standards and would not be expected to cause new interference to any station. It states that, while it has sufficient information to raise concerns about new interference, if after actual experience is gained it finds out that WAVE-TV's current tower location is adequate, it would not necessarily seek to relocate. For example, it states that it is uncertain of how well receivers can obtain signals in light of adjacent channel interference. Cosmos requests the right to relocate its tower to the specified new location (or nearby) and remedy the potential interference, subject to field tests.

493. Independence Television Company (Independence), the licensee of WDRB-TV in Louisville, Kentucky, opposes Cosmos' request to change the DTV transmitter site of WAVE-TV. Independence states that Cosmos' request is premature and notes that Cosmos' need to specify an alternative site is speculative at this point since it merely wants the right to relocate subject to field test results. Independence argues that it would not be fair to limit other interested parties' options just to reserve Cosmos an additional site it may or may not use.

494. DTV allotments are chosen to best replicate a station's existing NTSC service, using a station's existing antenna site. As noted above, we are not granting requests by licensees to modify their DTV facilities as a matter of reconsideration. We have adopted specific provisions in our rules to allow licensees to request such changes. We believe that reserving a "right" for a licensee to relocate its transmitter to a new location, if at some future time it finds such a new site desirable, is not warranted. As Independence notes, granting such a request may unfairly limit changes by other parties. If Cosmos desires to modify its transmitter site in the future, it should make a request under the rules provided for such changes. Accordingly, we are denying Cosmos' request with regard to WAVE-TV.

495. Delta Broadcasting, Inc. Petition. Delta Broadcasting, Inc. (Delta) is the licensee of WKFT-TV, channel 40 in Fayetteville, North Carolina. Delta asks us to reconsider the allotment of DTV channel 38 to its station or, alternatively, to allow an increased ERP for channel 38. Delta states that its allotment has the lowest DTV/NTSC match (92.7%) in its DMA. While the channel 38 allotment provides for a 1.3% increase in geographic area, it decreases the population served by 4.3%, due to loss of viewers in the densely populated Raleigh-Durham-Chapel Hill area. Delta states that it has identified alternative channels 34 and 46 but has been unable to

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evaluate them without OET Bulletin No. 69. Delta requests either of these channels, if they prove superior to channel 38, and alternatively requests an increase in power to better replicate its NTSC service area. Delta did not submit a supplemental filing.

496. WSOC Television, Inc. (WSOC) opposes Delta's request to change DTV channels or increase power. WSOC states that, as Delta has provided no evidence that such changes would not cause substantial harmful interference to WSOC-TV's DTV channel 34 operations, its proposal does not meet the minimum standards for modifying the DTV Table.

497. We have reviewed Delta's request and found that the channel 38 DTV allotment provided for WKFT-TV is appropriate and consistent with our DTV allotment policies. Delta has not submitted any technical information indicating that its alternative suggested channels would not impact other stations or operations. With regard to Delta's request for an increase in power to improve service replication, we note that our service replication approach is meant to allow all existing broadcasters to provide DTV service to a geographic area that replicates, to the extent feasible, the service area of their existing NTSC station. Delta's station, WKFT-TV, received a DTV allotment that would provide for over 90% replication of its service area and would serve a population base equal to almost 96% of its existing population coverage. We find that WKFT-TV's channel 38 DTV allotment meets our DTV allotment goals, including service replications, and we are denying Delta's request.

498. Duhamel Broadcasting Enterprises Petition. Duhamel Broadcasting Enterprises (Duhamel) is the licensee of several television stations serving Nebraska, South Dakota, and Wyoming. In its petition, it states that its stations KDUH-TV, channel 4 in Scottsbluff, Nebraska, KSGW-TV, channel 12 in Sheridan, Wyoming, and KHSD-TV, channel 11 in Lead, South Dakota were assigned DTV channels in the UHF band. Duhamel submits that its stations operate in areas where the broad coverage of VHF channels is used to build a market large enough to make small market television feasible and that its stations must preserve these geographically-large markets as they move to DTV. It asserts that VHF channels are available to be used for DTV service without interfering with other DTV allotments. To allow it to avoid financial and technical hardships, Duhamel requests that we make the following alternative DTV allotments for its stations: for KDUH-TV, NTSC channel 4, DTV channel 7 instead of DTV channel 19; for KSGW-TV, NTSC channel 12, DTV channel 13 instead of DTV channel 21; and for KHSD-TV, NTSC channel 11, DTV channel 12 instead of DTV channel 27. Duhamel includes a technical exhibit for each requested change. Duhamel did not submit a supplemental filing.

499. Nebraska Educational Telecommunications Commission (NETC), the licensee of noncommercial station KRNE-TV, NTSC channel 12 in Merriman, Nebraska, states that Duhamel's proposed change for KHSD-TV's DTV allotment would be short spaced to its station, KRNE-TV, with 251.3 km between them rather than the required 273.6 km, and could adversely affect its station's co-channel NTSC operations. NETC states that it understands the factors underlying Duhamel's request and would be prepared to consider analyses prepared by Duhamel in accordance with OET Bulletin No. 69 and discuss appropriate power limitations or other



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commitments that might ameliorate NETC's concerns, such as moving to channel 11 after the transition. In the meantime, however, NETC opposes the proposed channel change.

500. Throughout this proceeding, we have stated that we intend to give broadcasters the flexibility to develop alternative allotment approaches and plans.<sup>156</sup> We stated that we would consider alternative allotment/assignment plans that are the result of negotiations and coordination among broadcasters and other parties within their communities. We stated, however, that such changes must have the agreement of all affected broadcasters and must not result in additional interference to other stations or allotments. We do not find that Duhamel's requests, as currently crafted, meet this test. Our analysis indicates that Duhamel's suggested channel changes would impact and cause additional interference to other stations.

501. Entravision Holdings, LLC Petition. Entravision Holdings, LLC, (Entravision) is the licensee of KINC-TV, channel 15 in Las Vegas, Nevada, KCEC-TV, channel 50 in Denver, Colorado and a number of low power television stations.<sup>157</sup> With regard to its full service stations, Entravision expresses concern that the DTV Table provides some allotments on channels immediately adjacent to a broadcaster's existing NTSC channels. It is concerned that KINC-TV's NTSC channel 15 has been paired with DTV channel 16 and that KCEC-TV's NTSC channel 50 has been paired with DTV channel 51. Entravision submits that the MSTV/NAB information indicates that there are multiple opportunities in its two markets that will permit allotment of non-adjacent channels for its stations. Entravision states that in Las Vegas we could consider channels 26, 27, 28, or 29 for KINC-TV's DTV channel and that in Denver the best DTV allotment for KCEC-TV would be either channel 23 or 38.

502. We have reviewed Entravision's request. Our analysis indicates that the suggested alternative channels would impact and cause interference to other stations. Further, we have no information to indicate that co-located adjacent channel DTV/NTSC operation should be a concern, as suggested by Entravision. Accordingly, Entravision's request to change the DTV allotments for its stations KINC-TV and KCEC-TV is denied.

503. Fayetteville-Cumberland Telecasters, Inc. Petition. Fayetteville-Cumberland Telecasters, Inc. (FCTI), the licensee of WFAY-TV, channel 62 in Fayetteville, North Carolina, states that WFAY-TV operates from Lumber Bridge, North Carolina and cannot provide coverage to portions of the Raleigh-Durham DMA. FCTI states that it had hoped that its DTV assignment would have afforded it greater latitude for a future transmitter move but that its assigned DTV channel 36 would not provide this relief. FCTI believes that giving WFAY-TV channel 34 would not disrupt the table but would permit the station to relocate its transmitter site and expand its DMA coverage. FCTI did not submit a supplemental filing.

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<sup>156</sup> See, for example, Sixth Report and Order at para. 172.

<sup>157</sup> Entravision's requests regarding its low power stations are addressed in that section.

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504. WSOC Television, Inc. (WSOC), the licensee of WSOC-TV in Charlotte, North Carolina, states that it opposes FCTI's request to change DTV channels. WSOC states that, as FCTI has failed to provide any evidence that such a change from DTV channel 36 to DTV channel 34 would not cause substantial harmful interference to WSOC-TV's DTV channel 34 operations, its proposal fails to meet the minimum standards for modifying the DTV Table.

505. We have reviewed FCTI's request and have determined that such a channel change would impact other broadcast operations. We therefore are denying FCTI's request that the allotment for its WFAY-TV be changed to channel 34.

506. Florida West Coast Public Broadcasting, Inc. Petition and Supplemental Filing. Florida West Coast Public Broadcasting, Inc., (WEDU) is the licensee of noncommercial educational television station, WEDU-TV, NTSC channel 3 in Tampa, Florida. WEDU states that its station was allotted channel 54 for DTV and urges that we consider the future substitution of a core channel if, as a result of other stations ceasing broadcasting on either their NTSC or DTV channels, an in-core channel becomes available for WEDU-TV's use.<sup>158</sup>

507. As stated above, to the extent that in-core channels become available during the transition, we will attempt to reduce the number of out-of-core allotments, such as the channel 54 allotment to WEDU-TV, in any future amendments to the DTV Table.

508. WEDU also states that the Sixth Report and Order specifies reference coordinates for a new vacant reserved DTV channel 5 at Bradenton, Florida. It believes that this allotment replaces the NTSC channel 19 allotment at Bradenton for which WEDU was the sole applicant. WEDU states that it intends to apply at the earliest opportunity for the right to construct on the new channel 5 and to request permission to amend its application to specify DTV channel 5. WEDU requests that it be permitted to locate the channel 5 facility at the Riverview Antenna Farm, at 27° 50' 52" N and 82° 15' 48" W. It states that WEDU-TV could operate DTV channel 5 from the Riverview site without causing interference to other NTSC or DTV operations and still provide a 28 dBu or better signal over Bradenton. It states that, as indicated in the engineering statement, the DTV station at this location could be operated with maximum directional power of 26 dBW (389 watts) at 491 m. antenna HAAT. WEDU requests that the reference coordinates, power, and antenna height for DTV channel 5 at Bradenton be modified to permit use of that channel at the Riverview site.

509. The issues raised by WEDU in its petition and supplement are beyond the scope of this proceeding. To the extent that WEDU desires to modify its pending NTSC application to operate DTV on a new channel and change the location of a vacant allotment, there are existing

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<sup>158</sup> WEDU originally requested an alternative DTV allotment. In its supplemental filing, however, it indicated that it had not identified an alternative channel in the core spectrum for its use at this time. WEDU therefore withdrew its request for reconsideration on that point.

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procedures in place for such requests. These matters are beyond those being considered herein. Therefore, WEDU's petition is denied.

510. Fort Wayne Public Television Petition. Fort Wayne Public Television, Inc., (Fort Wayne PTV), licensee of WFWA-TV, channel 39 in Ft. Wayne, Indiana, states that it is concerned that operation of its DTV service on adjacent channel 40 is likely to result in considerable intermodulation interference. In light of the unavailability of OET Bulletin No. 69, it requests that it be allowed at least 90 days following the Bulletin's release to supplement its petition, should it determine that another channel would avoid the anticipated intermodulation interference problem. Fort Wayne PTV did not submit a supplemental filing.

511. We find that the concern raised by Fort Wayne PTV regarding adjacent channel interference between co-located NTSC and DTV operations is unsupported by the DTV system test data. All available information and testing to date indicate that adjacent channel DTV and NTSC operations are possible and that intermodulation interference will not occur, provided that reasonable engineering care is taken in implementing the new DTV channel and an appropriate balance in power is maintained between the NTSC and DTV operations. Fort Wayne PTV has provided no information refuting this conclusion, nor has it submitted a supplemental filing requesting another channel. We find the suggested change in the DTV allotment for Fort Wayne's WFWA-TV to be unwarranted and deny its petition.

512. Forum Communications Company Petition. Forum Communications Company (Forum), the licensee of KMCY-TV, NTSC channel 14 in Minot, North Dakota, requests that we change the DTV channel 14 allotment provided for KXMD-TV in Williston, North Dakota. Forum submits that these two stations are only 136 km apart, which represents approximately 56% of the minimum spacing distance required for new DTV allotments. Forum sees a potential for interference between the KMCY-TV and KXMD-TV and fears that future facilities changes may be hampered. Forum submits that, in the absence of OET Bulletin No. 69, it cannot determine the best alternative channel for channel 14 at Williston. It notes, however, that the NAB's list of alternative channels shows that others may be available for DTV use in that community. Forum did not submit a supplemental filing.

513. Our calculations indicate that Forum's KMCY-TV will receive new interference to about 6.7% of its service area and to 2% of the population now served. We further note that KXMD-TV's DTV operation will provide for 99.6% service area replication. We believe that these levels of interference and service replication are fully consistent with policies used to develop the DTV allotments. To the extent that the DTV allotments provided KMCY-TV and KXMD-TV might hamper future facility changes by those stations, we find that such impact is speculative at this time. We also note that we have provided mechanisms for parties to negotiate changes to the DTV allotments. Without the agreement of KXMD-TV, we are unwilling to make a change in that station's DTV allotment solely at the request of another party. Accordingly, we are denying Forum's petition.

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514. Fox Television Stations, Inc. Petition and Supplemental Filing. Fox Television Stations, Inc. (Fox) raises specific concerns with regard to several of its stations.<sup>159</sup> Fox asserts in its petition that its Los Angeles, California station KTTV-TV will have 5.9% less coverage than its NTSC service. It sees no engineering reason to prevent KTTV-TV from increasing its power from the 659.2 kW specified in the Table to 1,000 kW.

515. As noted above, we are not granting requests to maximize facilities as a matter of reconsideration. We have adopted provisions in our rules to allow licensees to request an increase in their DTV facilities and believe that considering maximization requests at this time would unfairly disadvantage parties that have expected such maximization requests to be dealt with under the rules. We are thus denying Fox's request to increase the power of KTTV-TV.

516. Fox is next concerned that the DTV channel assigned to WTIC-TV in Hartford, Connecticut, could interfere with its WNYW-TV, channel 5 in New York City. It argues that channels 16, 28, 35, 44, 60, or 63 could be assigned to Hartford. Tribune Company (Tribune), the corporate parent of WTIC-TV, channel 61 in Hartford, Connecticut, states that it recognizes that the northeast corridor is especially congested and supports a proposed MSTV regional solution to alleviate short-spacings but opposes Fox's petition and any solution addressing only the DTV channel 5 assignment to WTIC-TV.

517. We have reviewed the alternative channels suggested by Fox for Tribune's WTIC-TV. We further note Tribune's objections to making such a change. As stated above, we are generally not changing the DTV allotment of one broadcaster at the request of another. We have provided for parties to negotiate allotment changes and will only grant requested changes where all affected parties agree. In this case, Tribune has not indicated its agreement to the change proposed for its WTIC-TV by Fox. Furthermore, our analysis indicates that the channels suggested by Fox for WTIC-TV would impact or cause additional interference to other stations. In addition, as stated previously, we find that increased use of channels 60-69 would be inconsistent with our statutory mandate under Section 337(a) of the Balanced Budget Act of 1997. Accordingly, we are denying Fox's request that the DTV allotment for WTIC-TV be changed to protect its station.

518. Fox argues that its WTXF-TV, channel 29 in Philadelphia, Pennsylvania would be impacted by the DTV allotment for WMPB-TV in Baltimore, Maryland. Fox states that another DTV channel should be selected for WMPB-TV and suggests channel 65.

519. As stated above, we are generally not changing the DTV allotment of one broadcaster at the request of another. We have provided for parties to negotiate allotment changes and typically will grant change requests only where all affected parties agree. There is no indication that the licensee of WMPB-TV has agreed to the proposed change. Again, as

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<sup>159</sup> We address Fox's request regarding its station WTTG-TV above in Section IV B.

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stated above, we find increased use of channels 60-69 to be inconsistent with our statutory mandate under Section 337(a) of the Balanced Budget Act of 1997. Accordingly, Fox's request to change the DTV allotment for WMPB-TV to protect its station is denied.

520. Fox's WJBK-TV operates on channel 2 in Detroit, Michigan. It states that proposed new DTV allotments in Cleveland, Ohio for WKYC-TV and WWMT-TV in Kalamazoo, Michigan could cause some interference to WJBK-TV, although it states that this is not as egregious as the previous cases. Fox recommends, however, that we evaluate DTV channels 53 or 65 for WKYC-TV and 26, 29, 30, 60, 61, 67, or 68 for WWMT-TV. Gannett opposes Fox's request that we change the DTV channel 2 allotment of Gannett's WKYC-TV in Cleveland, Ohio. Gannett argues that Fox has failed to demonstrate any compelling need for change. It also argues that use of channel 53 or 65 for WKYC-TV's DTV service, as Fox suggests, would leave its station with a less desirable channel than its present allotment. Gannett points out that neither channel is in the core spectrum, so that their use would require WKYC-TV to return to its NTSC channel 3.

521. We have reviewed the alternative channels suggested by Fox for WKYC-TV and WWMT-TV, and we have noted Gannett's objections to making such a change with regard to its WKYC-TV. As stated above, we are generally not changing the DTV allotment of one broadcaster at the request of another. We have provided for parties to negotiate allotment changes and will typically grant change requests only where all affected parties agree. Furthermore, our analysis indicates that the channels suggested by Fox would impact or cause additional interference to other stations. As stated previously, we also find that increased use of channels 60-69 would be inconsistent with our statutory mandate under Section 337(a) of the Balanced Budget Act of 1997. Accordingly, Fox's request that we alter the DTV allotments for WKYC-TV and WWMT-TV to protect its station is denied.

522. Fox indicates that WFXT-TV in Boston, Massachusetts operates on channel 25 and has been assigned channel 31 for DTV. Fox argues that DTV channel 25 has also been allocated to WNNE-TV in Hartford, Vermont and that WNNE-TV's DTV operations must use the same antenna azimuth pattern as its NTSC operations to prevent interference to WFXT-TV. Fox states that WFXT-TV has on file an application seeking relocation from its present antenna site in Needham to the Hancock Tower in downtown Boston and has also sought an increase in power. Fox states that moving its DTV operation from Needham to Boston will permit co-location with WABU-TV's channel 32 and should alleviate adjacent channel interference. Fox also asks that its increased power request be taken into account.

523. As indicated above, service replication is based on NTSC facilities existing as of April 3, 1997, and we are not changing DTV allotments to take into account pending requests to change the location or power of an existing NTSC facility. To the extent that Fox desires to make such changes in its DTV allotment or facilities, it should do so under the appropriate rule provisions. We therefore deny Fox's request with regard to WFXT-TV.

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524. Gateway Communications Inc. Petition. Gateway Communications Inc. (Gateway) is the licensee of WBNG-TV in Binghamton, New York; WTAJ-TV in Altoona, Pennsylvania; WOWK-TV in Huntington, West Virginia; and WLYH-TV in Lancaster, Pennsylvania. In its petition, Gateway states that, without OET Bulletin No. 69, it cannot complete its analysis. Gateway states that WOWK-TV will receive co-channel interference from the DTV allotment for WSYX-TV in Columbus, Ohio and requests another, non-interfering allotment for WSYX-TV. Gateway also questions the allotment of DTV channel 54 to WOWK-TV and DTV channel 55 to station WCHS-TV in Charleston, West Virginia and proposes that WWOK-TV's DTV allotment be changed from channel 54 to channel 39 and that DTV channel 54 be allotted to the unbuilt CP for station WKRP-TV in Charleston, West Virginia. In addition, Gateway suggests that side-mounted DTV antennas will not be able to achieve the pattern replication we anticipated. Gateway asks us to provide additional power and/or other means to enable stations using side-mounted antennas to replicate their service areas. Gateway did not submit a supplemental filing. In its comments, Heritage expresses concern that grant of Gateway's requests could result in changes that place Heritage-owned stations at a competitive disadvantage in their respective markets.

525. With regard to Gateway's concern that its station will receive interference to its NTSC operations, as stated above, we have attempted to the extent possible to minimize all interference to existing NTSC operations in our DTV policies and in developing the DTV Table. In many instances, however, it was not possible to provide for completely interference free operation and still provide every broadcaster with a DTV channel or meet our other allotment goals. We continue to find that the DTV allotments in the Huntington area are appropriate and find no basis for changing the allotment provided WSYX-TV in Columbus, Ohio solely at Gateway's request. We are therefore denying Gateway's request to change the DTV allotment of WSYX-TV in order to reduce interference to its station, WOWK-TV. With regard to Gateway's concern about side-mounted DTV antennas, we have provided a way for stations to request additional power, provided that they can make an engineering showing that such a change would not cause additional interference.

526. Granite Broadcasting Corporation Petition. Granite Broadcasting Corporation (Granite) submits that, while the DTV allotments of most of its stations are reasonably comparable to their competitors' allotments, two of its stations, KNTV-TV, NTSC channel 11 in San Jose, California and WWMT-TV, NTSC channel 3 in Kalamazoo, Michigan, have received allotments that put them at a competitive disadvantage compared to other commercial network affiliates in their markets. Granite did not submit an individual supplemental filing.

527. Granite states that KNTV-TV was assigned DTV channel 12 with 6 kW ERP. It states that its analysis of the station's predicted DTV coverage area is not as optimistic as the 99 percent replication predicted by our models. It is concerned that the channel 13 DTV allotment for KCBA-TV in Salinas, California, at a distance of 49.8 km, is within the minimum and maximum spacings for adjacent channels specified under Section 73.623(d)(1) of the rules. Granite submits that, due to this spacing, both stations are precluded from improving their

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assigned ERP and service patterns. Granite further notes that the station's replication is based on a directional antenna pattern for its DTV operations despite its present use of an omnidirectional antenna. It states that, while it is likely that an antenna manufacturer could fill the directional pattern to at least 85 percent, it is unlikely that KNTV-TV will be able to realize the full coverage needed to achieve service replication. Granite submits that the DTV channel 12 allotment provided for KNTV-TV would produce a substantial loss of service and place the station at a competitive disadvantage. Granite recognizes that alleviating problems in congested markets often will require action to be coordinated and reevaluated among several stations on a regional basis, and it requests such a reevaluation for the San Francisco-Oakland-San Jose market.

528. AK Media, in comments to Granite's petition, supports the request that we correct the short spacing between the DTV channel 12 allotment provided for its own KCBA-TV and the DTV channel 12 allotment provided for Granite's KNTV-TV in San Jose. Like Granite, AK Media expresses concern that the distance between these adjacent DTV channels the minimum spacing requirements by 1.5 km for adjacent DTV channels.

529. As indicated above, we are taking a number of steps to address adjacent DTV-to-DTV channel concerns, such as improving our DTV emissions mask to reduce out-of band emissions and making specific DTV allotment changes. In this instance, we do not find that an allotment change is necessary or possible that would significantly improve the situation. As Granite notes, this is an extremely congested area of the country and the number of potential solutions is limited. Furthermore, with regard to this specific situation, we note that MSTV in its *ex parte* filing estimates that KNTV-TV's DTV operation would be able to replicate 99% of its current NTSC service area and would also provide improved geographic and population coverage. Given the potentially significant improvements in coverage that are possible with its DTV channel, we find that Granite's concern about the service replication and the competitive implications of its DTV allotment are unfounded. We believe that the DTV allotment for KNTV is consistent with our DTV service replication policies and goals. Accordingly, Granite's request for a change in the DTV allotment of KNTV-TV is denied.

530. Granite argues that WWMT-TV also faces service problems resulting from faulty assumptions in our models. It states that our replication protocols have assumed that DTV service on the channel 2 allotment provided for WWMT-TV would be equivalent, out to a field strength of only 28 dBu, to DTV service at higher signal levels on other channels. Granite suggests that such an assumption is not warranted, particularly for channel 2, since we have questioned the susceptibility of service on this channel to interference from both natural sources, such as atmospheric noise, and man-made noise, such as ignition noise. It expresses concerns that assignment of DTV channel 2 to WWMT-TV subjects that station to signal variations that make our service estimates to be inflated, with results unfair to WWMT-TV.

531. Fox, in comments supporting Granite, states that it is concerned about potential interference problems between the DTV channel 2 allotment for WWMT-TV and Fox's WJBK-

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TV in Detroit. It notes tropospheric ducting along Lake Michigan can cause interference, especially during summer months. Fox states that for these reasons it has suggested an alternative DTV channels for WWMT-TV in its petition. Gannett, on the other hand, disputes Fox's concern that tropospheric ducting on channel 2 will cause interference with WJBK-TV. Gannett states that, while certain atmospheric conditions can cause interference, ducting and Sporadic-E are occasional and intermittent phenomena and do not occur with the frequency and predictability that would warrant consideration here.

532. The values used to determine the signal strength of noise limited coverage were derived from measured field and test data by our DTV advisory committee. The fact that different field strengths apply to low VHF, high VHF, and UHF frequencies reflect the differing propagation characteristics of each of these regions of the spectrum. We note that this same principal has been used for analog NTSC service and our rules specify different field strengths for both Grade A and Grade B coverage depending on frequency band.<sup>160</sup> As indicated above, we further note that we have expanded the DTV core spectrum to include channels 2 to 6. While we recognize that ducting can occur on channel 2 as suggested by Fox, we note that this phenomena occurs on other frequencies as well. We note that this a congested region of the country and we continue to believe that the allotments we have developed are appropriate. In sum, we find Granite's concerns to be unfounded and we expect DTV service on channel 2 to be as successful as analog service has been on that channel. We are denying Granite's request for an alternative DTV channel for WWMT-TV.

533. Grant Broadcasting Group Petition. Grant Broadcasting Group (Grant) is concerned that the DTV channel 34 allotment provided for WNYO-TV may result in blanketing interference. It submits that the NBC affiliate, WGRZ-TV, channel 2 in Buffalo, has been allotted DTV channel 33. Grant states that this channel 33 DTV operation will have 1000 kW ERP, while WNYO-TV's channel 34 operation will have 142.6 kW DTV power. It is concerned that, with such a great disparity in power between these first-adjacent channel stations, WNYO-TV will experience severe blanketing interference from channel 33. Grant also expresses concern that if WGRZ-TV begins operation on its DTV channel 33 before WNYO-TV commences operation on DTV channel 34, that station may argue that it has no obligation to help cure WNYO-TV's blanketing interference problems. Grant urges the Commission to clarify that WNYO-TV and other similarly situated stations will be able to increase power to avoid such interference.

534. We have adopted a number of measures, including power increases, that may be used to improve non co-located adjacent channel situations, such as between WYNO-TV and WGRZ-TV. We note that our new requirements for DTV out-of-band emissions will improve this specific situation which, under the worst case assumptions, would affect less than 1% of the population served by WYNO-TV. We therefore make no changes at this time but clarify that

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<sup>160</sup> See, for example, Section 73.683 of the rules. 47 CFR §73.683.



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Grant may request a power increase for WNYO-TV under our maximization rules.

535. Great Trails Broadcasting, Inc. Petition and Supplemental Filing. Great Trails Broadcasting, Inc. (Great Trails) is the licensee of WHAG-TV, channel 25, in Hagerstown, Maryland. It is concerned that WHAG-TV will be unable to serve its current viewers with its channel 55 DTV allotment. It states that it is particularly concerned with regard to the issue of interference at cable headends. Great Trails submits that because of the mountainous terrain of the Potomac, Cumberland, and Shenandoah Valleys, many viewers receive the station's service through cable. It states that a preliminary study indicates that operation of WHAG-TV's DTV service on channel 55 may pose problems for delivering signals to cable headends due to new interference. It argues that allotment of an out-of-core channel for WHAG-TV will place a heavy burden on it because it will have to build two DTV facilities while the dominant stations in the Washington, DC market will not.

536. In its supplemental filing, Great Trails requests that we exchange the DTV allotment for WHAG-TV with the channel 44 DTV allotment currently provided for WWPB-TV, a Maryland Public Broadcasting Commission (MPT) station also in Hagerstown. It submits that these stations currently use the same transmitter site. Great Trails states that one problems with use of channel 55 by WHAG-TV is that the station would be short spaced to the NTSC service of channel 62, another MPT station in Frederick, MD. Great Trails submits that the engineering solutions necessary for DTV channel 55 and NTSC channel 62 to co-exist would be easier to achieve if both stations were owned by the same party. It submits that MPT would be in the best position to build and operate channel 55 in Hagerstown to minimize interference to channel 62 in Frederick. It argues that, in the event that operation of these stations results in unresolvable interference, there will be little or no loss of service since the programming of MPT Hagerstown and Frederick stations is virtually the same.

537. MPT seeks the denial of Great Trails' petition for reconsideration. MPT states that Great Trails proposal that the DTV allotments for WHAG-TV and WWPB-TV be switched would leave WWPB, a tax-supported public television station with a less desirable channel and the prospect for paying for two channel changes. It states that Great Trails' interference argument is not support by its engineering statement which recognizes that any interference would be from channel 55 to channel 62 and not in the other direction. MPT also submits an engineering statement that indicates that Great Trails' DTV operations will not create interference to WFPT's channel 62 service.

538. We are denying Great Trails' request. As indicated by MPT, Great Trails' request would affect another station, and Great Trails has not received the consent of that affected station. Furthermore, with regard to Great Trails' principal concerns about interference to cable headend reception, we note that interference at a cable headend often can be overcome by the use of proper engineering techniques, including improved and more sophisticated receiving antenna in those limited situations where they may be needed. We therefore find that Great Trails' reliance on service through cable carriage would lessen any concern about its particular DTV

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allotment. As stated above, we have attempted to provide all stations a core channel, but this was not always possible. We continue to find that the channel provided Great Trails' station in the Sixth Report and Order is appropriate and are denying its request for a change.

539. Gulf California Broadcast Company Petition. Gulf California Broadcast Company (GCBC), the licensee of KESQ-TV, channel 42, Palm Springs, California, states that it has initiated a costly upgrade of its facilities that is not reflected in its allotment of DTV channel 52, with 64.4 kW and an antenna HAAT of 1087 m. GCBC states that, as a result, its DTV operation on channel 52 would serve less than one-third of the population that will be served by the station's NTSC operation from its new transmitter site on Pine Mountain. GCBC therefore requests that we allot it another DTV channel, preferably channel 54, at significantly higher power. It submits that DTV channel 54 could be allocated without any other change in the DTV Table and that this channel would result in improved coverage. It further states that the total interference resulting from DTV operation by KESQ-TV on channel 54 would be reduced at least 23% in area and 50% in population as compared to operation on channel 52. GCBC did not submit a supplemental filing.

540. We have reviewed GCBC's requested channel change. Our analysis indicates that use of channel 54 by KESQ-TV would impact and cause increased interference to other stations. We therefore are denying GCBC's requested channel allotment change for station KESQ-TV. With regard to GCB's concerns that the allotment for KESQ-TV did not take into account its recently upgraded facilities, our calculations have assumed KESQ-TV's operation at the Pine Mountain site with the parameters specified in their most recent application.

541. Jefferson-Pilot Communications Company Petition and Supplemental Filing. Jefferson-Pilot Communications Company (Jefferson-Pilot), the licensee of WWBT-TV, channel 12 in Richmond, Virginia, submitted a petition for reconsideration and supplemental filing asking that its station be allotted DTV channel 11 instead of channel 54. WAVY Television, Inc. (WAVY) opposed Jefferson-Pilot's request, stating that the allotment of channel 11 to WWBT-TV would cause unacceptable interference to its station WAVY-TV, NTSC channel 10 in Portsmouth, Virginia. On November 5, 1997, Jefferson-Pilot filed a request seeking to withdraw its petition and retain its authorization to use channel 54 during the digital transition period.

542. We find that because Jefferson-Pilot has asked to withdraw its petition, its request for a DTV channel change for WWBT-TV is now moot.

543. Journal Broadcast Group, Inc. Petition and Supplemental Filing. In its petition, Journal Broadcast Group, Inc. (Journal), the licensee of KTNV-TV, channel 13 in Las Vegas, NV, states that the allotment of UHF DTV channel 17 for KTNV-TV is unjustified because it would impose significant costs on Journal that would not exist for other Las Vegas stations and would create serious environmental issues at KTNV-TV's transmitter site. Specifically, it states that a UHF transmitter will cost considerably more than a VHF transmitter and antenna. Journal estimates that this added cost is expected to exceed \$1,000,000. It also states that operating at

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UHF will make RF compliance on the Black Mountain antenna site more complex and expensive. It states that these concerns could be avoided by allotting a VHF DTV channel for this station, and it asks the Commission to allot channel 9 for KTNV-TV.

544. In its supplemental petition, Journal requests that we modify the DTV Table to assign channel 12 to KTNV-TV. It states that use of channel 12 would eliminate the serious problems identified in its petition, could be accomplished consistent with the DTV allotment rules, would actually provide more interference-free coverage than the KTNV-TV's channel 17 DTV allotment, and would also resolve the concerns raised by the two parties that filed comments responding to Journal's petition. In this regard, Journal submits that use of channel 12 would address Innovative Technologies concern that Journal's operating on channel 17 would displace its LPTV station. Second, the Clark County School District, the licensee of KLVX-TV, channel 10 in Las Vegas, opposed Journal's request to use channel 9 because Journal did not expressly commit to cooperate in resolving potential interference. Journal states that it hereby makes that commitment to the School District, in the event that it is allotted channel 9. It observes that the School District's interference concerns would be mooted if we grant its request to allot channel 12 for KTNV-TV, rather than channel 9.

545. We have reviewed Journal's request. Our analysis indicates that use of channel 12 by KTNV-TV would impact and cause increased interference to other stations. We therefore are denying Journal's requested change for KTNV-TV.

546. Jovon Broadcasting Corp. Petition. Jovon Broadcasting Corp. (Jovon) is the licensee of WJYS-TV, channel 62 in Hammond, Indiana. Jovon claims that its channel 36 DTV allotment conflicts with the FCC's statutory obligation to minimize significant economic impact on small entities. Jovon states that its station is one of 12 commercial TV stations competing in the Chicago DMA and that, with DTV channel 36, it would be the only one unable to operate from the Sears and Hancock buildings. It states that operation on channel 36 from the Sears and Hancock buildings would result in co-channel interference to WMVT-TV, Milwaukee, Wisconsin. It further argues that its consumer base would have 1 million fewer viewers. Jovon states that it should be allotted channel 64 instead. It states that channel 64 will eliminate a competitive disadvantage and permit it to operate within the centralized antenna zone of the Chicago market. It states that allotting channel 64 to WJYS-TV would not be inconsistent with the core approach, as other channels are already allocated outside the core spectrum during the transition period. In comments, Jovon states that use of channel 36 will displace an LPTV station and notes that TBN's petition also requests that WJYS-TV be allotted channel 64. Jovon did not submit a supplemental filing.

547. We find that the DTV channel 36 allotted to Jovon's station WJYS-TV is consistent with our DTV service replication policies. Our DTV allotments are intended to provide for service replication of a station's existing facilities. Jovon's station WJYS-TV is licensed to serve the community of Hammond, Indiana and now operates from a transmitter site 24 miles from the Sears and Hancock buildings. In addition, we disagree with Jovon that providing its station

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WJYS-TV with a DTV allotment that replicates the service it can now provide places it at an unfair advantage or conflicts with our statutory obligation to minimize significant economic impact on small entities. Furthermore, we also find that increased use of channels 60-69 would be inconsistent with our statutory mandate under Section 337(a) of the Balanced Budget Act of 1997. We therefore are denying Jovon's request.

548. KFBB-TV Corporation, L.L.C. Petition. KFBB-TV Corporation, L.L.C. (KFBB), the licensee of KFBB-TV, channel 5 in Great Falls, Montana, requests that we reconsider the allotment of DTV channel 39 for KFBB-TV and instead allot channel 8 with a peak ERP of 180 kW or less and antenna HAAT of 180 m. KFBB submits that operation of KFBB-TV's DTV service on a UHF channel would likely cause the station to incur significant increased operating costs. It states that operating with the specified power would place a considerable economic burden on KFBB-TV because the cost of constructing and operating such a high power facility is not justified in the station's small market. It states that allowing the station to continue to operate on a VHF channel would keep it from incurring these additional costs. KFBB states that use of channel 8 would create only a small increase in interference and requests that we regard this interference as *de minimis*. If we determine that this interference is not *de minimis*, it submits that we permit the station avoid the interference through use of a directional antenna. KFBB states that it could limit the ERP of the proposed facility to 30.5 kW in the direction of the area where interference would otherwise occur. KFBB did not submit a supplemental filing.

549. We have reviewed KFBB's request. Our analysis indicates that its requested change would impact and cause increased interference to other stations. We therefore are denying KFBB's requested change for its station KFBB-TV.

550. KPDX License Partnership Petition. KPDX License Partnership (KPDX), the licensee of KPDX-TV, channel 49, Vancouver, Washington, requests that we reconsider the DTV channel 48 allotment provided for KPDX-TV. It states that an engineering analysis indicates that operation of KPDX-TV's DTV service on channel 48 would severely limit the station's ability to replicate its service area and to make a smooth transition to full DTV operations. It submits that because KPDX-TV's NTSC service is first-adjacent to its DTV channel, the level of intermodulation interference is likely to be considerable. KPDX further argues that the channel 48 operating parameters place KPDX-TV at a serious disadvantage with respect to other stations in the Portland, Oregon/Vancouver, Washington market. It states that KPDX-TV received that lowest power -- 103 kW, compared to other power levels of 960 kW and 750 kW. KPDX submits that such a low power level virtually ensures that KPDX-TV will have no chance of replicating even a significant portion of its NTSC coverage. Finally, KPDX is concerned that because we have not determined whether channel 48 will be in the core spectrum, KPDX-TV may have to construct two DTV facilities, one on channel 48 and a second in the core. KPDX request that it be allotted channel 44 for DTV service with an antenna HAAT of 527 m and 446 kW. It submits that this channel can be used without any spacing problems and without any increased interference to NTSC and new DTV operations. KPDX did not submit a supplemental filing.

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551. We have reviewed KPDX's request. Our analysis indicates that the requested change would impact and cause increased interference to other stations. With regard to KPDX's concerns about adjacent channel DTV and NTSC operation, all available information and testing to date indicate that adjacent channel DTV and NTSC operations are possible and that intermodulation interference will not occur with co-located operations. With regard to the power assigned to its station, we estimate that KPDX-TV's DTV allotment will be able to provide DTV service to an area larger area than now served by its analog operation. To the extent that there are differences in the power assigned to other stations in the Portland/Vancouver market, this merely reflects the fact that the NTSC service coverage of those stations currently varies. We therefore deny KPDX's requested change for its station.

552. KSLS, Inc. Petition. KSLS, Inc., is the licensee of KSCI-TV, channel 18, in San Bernardino, California. It is concerned that KSCI-TV's NTSC service will receive interference from the co-channel DTV operation of KUSI-TV in San Diego, California. KSLS notes that, by the FCC calculations, KSCI-TV will suffer the greatest area interference of any station in the Los Angeles area, i.e., 12.1% of its service area and 1.6% of its population. KSLS states that the combination of poor receive antennas and greater than calculated signals from San Diego due to ducting will produce much higher levels of interference than we have predicted. KSLS-TV submits that there appear to be many other DTV channels that would work in San Diego without causing interference to KSCI. In particular, it states that almost all the frequencies in the Bakersfield market, including channels 17, 23, 29, 31, and 45, could be reused for DTV allotments in San Diego.

553. KSLS also notes that the channel 61 DTV allotment for KSCI-TV cannot be located at Mt. Wilson. It states that, if all of the stations in the Los Angeles market were co-located there, all receive antennas in the market could be pointed in one direction. It submits that such co-location would reduce interference and could make more channels available for DTV allotments. KSLS states that it understands that other stations in the market not located on Mt. Wilson support co-location of all facilities at that site. It urges us to modify the DTV Table to facilitate co-location of all stations in the Los Angeles market to Mt. Wilson.

554. Channel 51 of San Diego, Inc. (KUSI) opposes KSLS's petition to the extent that it urges that its channel 18 DTV allotment be set aside and be changed to one of the channels 17, 23, 29, 31 or 45. KUSI states that it is also concerned about mutual interference between its DTV operations and KSLS's KSCI-TV NTSC operations and has filed its own petition for rule making noting that channel 17 would be a viable alternative. It notes, however, that channel 17 is allotted to Mexico and has urged that the Commission attempt by treaty to have that channel 17 assignment deleted. KUSI notes that the other channels suggested by KSLS are also unavailable because of conflicting Mexican assignments. It states that until channel 17 or some other equally suitable channel becomes available, it opposes any change in its current allotment. It states that at the present time, the allocation of channel 18 is the best channel for KUSI-TV.

555. We have reviewed KSLS's request, and our analysis indicates that the alternative

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channels suggested are not available for assignment to KUSI. We therefore are denying KSLS's request that the DTV allotment for KUSI-TV be changed to one of these channels to protect its station KSCI-TV. With regard to KSLS's request that its station be relocated to Mt. Wilson, our DTV allotments are based on service replication using existing transmitter sites. We have given broadcasters some flexibility to move their transmitter sites and have provided procedures for the modification of DTV allotments. We do not, however, believe that such a change should be made on reconsideration. We therefore are denying KSLS's requests.

556. KWTX Broadcasting Company Petition. KWTX Broadcasting Company (KWTX), licensee of KWTX-TV, channel 10 in Waco, Texas, seeks allotment of channel 30 instead of channel 53 for KWTX-TV's DTV operation. It states that operating on channel 30 would enable it to better serve the public in the Waco-Temple-Killeen market and would not conflict with any other DTV allotment. KWTX did not submit a supplemental filing.

557. We have reviewed KWTX's request. Our analysis indicates that its requested change would impact and cause increased interference to other stations and, in particular, would conflict with a co-channel DTV allotment at Decatur, Texas. We therefore are denying KWTX's requested change for its station KWTX-TV.

558. Lee Enterprises, Inc. and New Mexico Broadcasting, Inc. Petition. Lee Enterprises, Inc., by its subsidiary New Mexico Broadcasting, Inc. (Lee), is the licensee of KREZ-TV in Durango, Colorado. Lee indicates that the allotment of channel 17 for KREZ-TV calls for an assigned power of 50 kW, but that the extreme roughness of terrain would require a replication pattern that would reduce the power to 3.4 kW in certain directions. Since KREZ-TV is not short-spaced to any authorized or proposed station, Lee requests that it be permitted to use a 50 kW omnidirectional antenna for its DTV operation.

559. The service replication approach, as developed by the industry and adopted by the Commission, is based on a station's existing transmitting antenna pattern, taking into account terrain and changes in operating frequency. If Lee wishes to increase the power of KREZ-TV or to use a different antenna pattern, it may request such changes under the appropriate rule provisions. As stated above, we do not find that individual station changes to increase service area are appropriate matters for reconsideration. We therefore are denying Lee's request to increase the power or use a different antenna pattern for its KREZ-TV. We note, however, that the *de minimis* interference standard and other changes we are adopting will give broadcasters like Lee additional flexibility to make such changes under our rules for the modification of DTV allotments.

560. Louisiana Television Broadcasting Corporation Petition. Louisiana Television Broadcasting Corporation (LTBC), the licensee of WBRZ-TV, channel 2 in Baton Rouge, Louisiana, submits that, according to its engineering analysis, the channel 42 DTV allotment provided for WBRZ-TV may not be the best allotment. It states that better channels may be available that would not have any "ripple" effect on other allotments. It submits that channel 13

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may offer better coverage of the Baton Rouge market and better protection of other stations from interference. LTBC indicates that WBRZ-TV would need to use a directional antenna to operate on channel 13. LTBC did not submit a supplemental filing.

561. We have reviewed LTBC's request. Our analysis indicates that use of channel 13 by WBRZ-TV would impact and cause interference to other broadcast stations. We therefore are denying LTBC's request to change the DTV channel 42 allotment for WBRZ-TV. We note that this allotment is estimated to provide over 93% replication of WBRZ-TV's present coverage and that our decision to expand the core spectrum will permit WBRZ-TV to return to channel 2 at the end of the transition, if coverage on channel 42 proves inadequate.

562. Maranatha Broadcasting Company, Inc. Petition and Supplemental Filing. In its petition, Maranatha Broadcasting Company (Maranatha), the licensee of WFMZ-TV, channel 69 in Allentown, Pennsylvania, requests that we eliminate short spacing between WFMZ-TV's channel 46 DTV allotment and the co-channel DTV allotment for WWAC-TV in Atlantic City, New Jersey. It states that the stations' transmitters are located 145.7 km apart, a co-channel short spacing of 50.5 km. Maranatha submits that the short spacing is egregious and discriminatory because both stations have NTSC channels outside the core spectrum and will not be able to continue their DTV operations on these channels at the end of the transition. In its supplemental filing, Maranatha calls the WFMZ-TV/WWAC-TV channel pair the most egregious DTV-to-DTV short spacing in the northeastern United States. It argues that it is unfair to place the expensive and risky burdens of converting to DTV on independent broadcasters and simultaneously saddle them with substandard DTV allotments. It requests that we adjust the DTV Table to assure WFMZ-TV a fully spaced DTV allotment with the potential for maximization of facilities by the end of the transition period, if not earlier.

563. We have reviewed Maranatha's request. Our analysis indicates that there are no alternative DTV allotments that would improve this situation without affecting other broadcast stations. In developing the DTV allotments, we used engineering criteria rather than spacing standards, and we attempted to provide stations with allotments that would permit full service replication of their NTSC service areas. Our analysis indicates that the DTV allotment for Maranatha's WFMZ-TV meets this goal. We note that MSTV in its *ex parte* filing estimates that with this allotment WFMZ-TV will replicate 99.8% of its existing service area and will serve 2,710,000 people, as compared to the 1,897,000 people served by its existing analog operations. Accordingly, we are denying Maranatha's request regarding its station.

564. McAlister Television Enterprises, Inc. Petition and Supplemental Filing. In its petition, McAlister Television Enterprises, Inc. (McAlister), the licensee of KAMC-TV, channel 28 in Lubbock, Texas, requests reconsideration of the channel 27 DTV allotment provided for KAMC-TV. McAlister expresses concern that only 50.4 kW ERP was authorized for KAMC-TV's DTV service on channel 27. In its supplemental filing, McAlister also asserts that KAMC-TV's DTV service on channel 27 may cause harmful interference to the station's NTSC service on channel 28. It states that recent information characterizing DTV out-of-band emissions

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generated by a non-linear final radiofrequency amplifier places in doubt the ability to generate, maintain, and receive a lower DTV first adjacent channel operation that will not interfere with KAMC-TV's NTSC signal.<sup>161</sup> To eliminate the potential for adjacent channel DTV interference, McAlister requests that we substitute DTV channel 46 for KAMC-TV's channel 27 allotment. The attached engineering statement provided by McAlister purports to demonstrate that a DTV station can operate in Lubbock on channel 46 with 1,000 kW ERP and that channel 46 was chosen based on an analysis performed on alternate channels following the methodology of OET Bulletin No. 69. This study also indicates that 1,000 kW will more closely replicate KAMC-TV's existing service area.

565. We have reviewed McAlister's request. Our analysis indicates that use of channel 46 by KAMC-TV would impact other stations. We further find that the power assigned to KAMC-TV is consistent with our policies and will permit adequate service replication. In this regard, we note that MSTV in its *ex parte* filing estimates that this channel would provide over 99% service replication.

566. Media General, Inc. Petition and Supplemental Filing.<sup>162</sup> Media General, Inc. (Media General) is concerned that the DTV Table does not allow almost half of its stations to replicate their existing NTSC service and that other stations in its markets have great power advantages. To solve these problems, Media General proposes that stations be permitted to maximize and increase their power now, even if interference is predicted, upon a showing that the interference can be avoided through certain engineering mechanisms such as employing directional antennas, moving transmitter sites, or using terrain shielding. Media General submits that four of its stations that have less than maximum DTV power allotments can increase their power without causing additional interference to other DTV allotments: WHOA-TV, WJWB-TV, WJHL-TV, and WSLS-TV.

567. As indicated above, we are not granting requests for maximization of facilities at this time. We have adopted specific rules and procedures for power increases and maximization requests. We find that such requests are more appropriately handled under these procedures rather than in the context of petitions for reconsideration. Accordingly, we are denying Media General's request that the DTV power for its stations, WHOA-TV, WJWB-TV, WJHL-TV, and WSLS-TV, be increased.

568. In its supplemental filing, Media General requests that the DTV allotments for its stations WBMG-TV in Birmingham, Alabama and WTVQ-TV in Lexington, Kentucky be changed to channels 62 or 65 so that they can increase power to 1000 kW. It acknowledges that

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<sup>161</sup> This statement references: "Transmitter Considerations for ATV," Robert J. Plonka, Harris Corp., Broadcast Division, November 22, 1996.

<sup>162</sup> We address Media General's requests regarding Fox's WTTG-TV in Washington, DC and its own WHLT-TV in Hattiesburg, Mississippi, above in section IV B.



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these channels have been identified for early recovery but states that the use of these channels would alleviate the disparity in authorized power between UHF and VHF stations and would resolve interference problems. Media General asks us to refrain from reassigning its original channel allotments until it has fully tested operation on the new channels.

569. We do not find that the channel changes requested by Media General for these two stations are warranted or consistent with our DTV allotment policies. We note that the DTV allotments for both WBMG-TV and WTVQ-TV are estimated to provide over 99% service replication, along with an increase in population served over their associated NTSC operations. As stated above, we do not believe that additional use of channel 60-69 is warranted as a general matter, and in particular with regard to these stations. To the extent that Media General desires to increase the DTV power authorized for these stations, it should make such requests under the appropriate rules. Accordingly, we are denying Media General's request that the DTV allotments for WBMG-TV and WTVQ-TV be changed.

570. Mid-South Public Communications Foundation Petition. Mid-South Public Communications Foundation (Foundation), the licensee of noncommercial station WKNO-TV in Memphis, Tennessee, states that it filed a construction permit application on August 11, 1996, for a new public television station on channel 14 at Memphis and that it filed an application on December 13, 1996, for a new public television station on channel 56 in that same city. These applications are pending. The Foundation states that our decision indicated that pending construction applications filed by September 20, 1997 have been protected for DTV purposes, but that we did not confirm protection with an in-core DTV allotment. The Foundation urges that we explore an in-core DTV allotment for channel 56 or provide additional time for it to find one. The Foundation did not submit a supplemental filing.

571. While the DTV Table of Allotments contained in the Sixth Report and Order did protect pending applications filed by September 20, 1997, our decision did not provide such stations with matching DTV allotments. Such parties are not eligible to receive a second DTV channel at this time. As indicated above, initial eligibility for a DTV allotment is limited to parties that, as of April 3, 1997, were licensed to operate a television broadcast station or held a permit to construct such a station.<sup>163</sup>

572. Mississippi Authority for Educational Television Petition and Supplemental Filing. Mississippi Authority for Educational Television (MAET) is the licensee of public TV station WMAB-TV in Jackson, Mississippi and seven satellite public TV stations. It states that its station WMAE-TV, Booneville, was assigned DTV channel 55 and that its engineers have tentatively found that a VHF channel could be used for DTV purposes. It asks us to confirm that its proposed stations at Clarksdale, Cleveland, Columbia, Columbus, Hattiesburg, Natchez, and Yazoo City, for which it has pending applications, will be protected.

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<sup>163</sup> See also Telecommunications Act of 1996, Pub. L. No. 104-14, Section 201, 110 Stat. 56 (1996), and 47 U.S.C. §336(a).